

E-Filed 8/17/2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

PAUL CICALA, ENRICO SAGULLO, ERICK
SANCHEZ,

Plaintiffs,

v.

CITY OF SAN JOSE, et al.

Defendants.

Case Number 5:08-cv-4032 JF (PSG)

ORDER¹ CLARIFYING ORDERS
RELATING CLAIMS

[Re: Docket Nos. 25, 54]

On June 10, 2009, the Court issued an order relating claims in the instant case and a later-filed action pending before Judge Whyte, *Valdez, et al. v. City of San Jose, et al.*, Case No. 5:09-cv-00176 RMW (PSG). On March 25, 2010, the Court also related claims in *Heiman v. Officer Johnson, et al.*, 5:09-cv-2617 EJD (PSG). All three actions concern alleged civil rights violations by San Jose police officers in the enforcement of Cal. Pen. Code § 647(f), and all three seek relief pursuant to *Monell v. Dep't of Soc. Services*, 436 U.S. 658 (1989). The Court concluded that it would promote judicial economy to coordinate the proceedings with respect to the *Monell* claims, although it expressly did not relate the individual plaintiffs' claims for damages.

¹ This disposition is not designated for publication in the official reports.

1 The *Cicala* and *Heiman* Plaintiffs now wish to settle their *Monell* claims and have
2 requested an order clarifying that they may do so. Administrative Motion Re: Right to Settle,
3 filed Aug. 5, 2011. The *Valdez* Plaintiffs assert that in light of the Court's earlier rulings, the
4 *Monell* claims cannot be resolved without a global settlement involving all related cases.
5 However, nothing in the Court's previous rulings prohibits the parties from resolving their
6 *Monell* claims independently. The Court hereby clarifies that the *Cicala* and *Heiman* plaintiffs
7 are free to settle their *Monell* claims as long as all parties to those actions, including the
8 municipal defendants, stipulate that any settlement will not have any effect on the claims or
9 defenses in the *Valdez* litigation.

10
11 **IT IS SO ORDERED.**

12
13 DATED: August 17, 2011

14 
JEREMY FOGEL
United States District Judge